

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

APRIL SESSIONS,

Plaintiff,

v.

No. 1:20-cv-606 MV/KRS

STATE OF NEW MEXICO, et al.,

Defendants.

SCHEDULING ORDER

THIS MATTER comes before the Court following a telephonic Rule 16 scheduling conference held on January 11, 2023. At the hearing, the Court adopted the parties' proposed Joint Status Report and Provisional Discovery Plan, with slight modifications, as reflected in the dates below

Accordingly, **IT IS HEREBY ORDERED** that the parties shall adhere to the following discovery plan:

- (a) Maximum of thirty (30) interrogatories by each party to any other party with responses due thirty (30) days after service.
- (b) Maximum of fifty (50) requests for admission by each party to any other party with responses due thirty (30) days after service.
- (c) Maximum of thirty (30) depositions by Plaintiff and twelve (12) by Defendants. Each deposition (other than that of a party) shall not exceed four (4) hours unless extended by agreement of the parties.

IT IS FURTHER ORDERED that the following case management deadlines shall govern:

- (a) Deadline for Plaintiff to join parties and amend pleadings pursuant to Federal Rule of Civil Procedure 15: **January 17, 2023;**
- (b) Deadline for Defendants to join parties and amend pleadings pursuant to Federal Rule of Civil Procedure 15: **February 15, 2023;**
- (c) Plaintiff's expert-disclosure deadline: **June 1, 2023;**
- (d) Defendants' expert-disclosure deadline: **July 14, 2023;**
- (e) Deadline for supplementing discovery/disclosures: Due within 30 days of the time when the necessary supplementation becomes known to a party, and in no event later than 30 days before the close of discovery;
- (f) Termination of discovery: **July 31, 2023;**
- (g) Motions relating to discovery: **August 21, 2023;**
- (h) All other motions:¹ **August 31, 2023;**
- (i) Pretrial order: To be set by the presiding judge.

IT IS FURTHER ORDERED that the Court must approve any changes to the timing or scope of discovery, other than the parties' agreement to extend the length of a deposition made during the deposition in question. Requests by a party to change the timing or scope of discovery, other than a mutual agreement to extend a deposition reached during the deposition, must be made by motion and before the termination of discovery or the expiration of any applicable deadline. Discovery must be completed on or before the termination of the discovery deadline. A written discovery request must be propounded by a date which ensures that the response to that request is due on or before the discovery deadline. The parties are further reminded that the cutoff for motions related to discovery does not relieve the party of the twenty-

¹ This deadline applies to motions related to the admissibility of experts or expert testimony that may require a Daubert hearing, but otherwise does not apply to motions in limine. The Court will set a motions in limine deadline in a separate order.

one (21) day time period under Local Rule 26.6 to challenge a party's objections to answering discovery. The parties are encouraged to review Federal Rule of Civil Procedure 26(a)(2) to ensure they properly disclose *all* testifying witnesses, not just those for whom a report is required.

A handwritten signature in black ink, reading "Kevin Sweazea". The signature is written in a cursive, slightly stylized font. The first name "Kevin" is written in a smaller, more compact script, while "Sweazea" is written in a larger, more flowing script. The signature is positioned above a horizontal line.

KEVIN R. SWEAZE
UNITED STATES MAGISTRATE JUDGE